IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE EIGHTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO. 80 of 2005

Between:

1 P.V.Murthy, S/o Mallaiah, Driver (E-76583)
APSRTC, Mahabubnagar Bus Depot, Mahabubnagar.
2 Rahamthulla, S/o Mohd.Osman, Driver (E-73282)
APSRTC, Mahabubnagar Bus Depot, Mahabubnagar.

..... PETITIONERS

AND

1. The Regional Manager, APSRTC, Mahabubnagar Region, at Mahabubnagar.

2. The Depot Manager, APSRTC, Mahabubnagar Bus Depot, Mahabubnagar District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a writ or order or direction more particularly one in the nature of writ of mandamus declaring that the action of the respondents in transferring the petitioners from APSRTC, Mahabubnagar Bus Depot to Kalwakurthy and Narayanpet Bus Depots respectively on their misconduct as bad, arbitrary, unjust and unreasonable and contrary to the judgments of this Court by setting aside the office order No.P2/1/(1)/04-RM(MB) dated 28-12-2004 of R1 herein and consequential orders if any and consequently direct the respondents to continue the petitioners in APSRTC, Mahabubnagar Bus Depot and pass such other order or orders

Counsel for the Petitioners:MR.P.VENKATESWAR RAO

Counsel for the Respondent Nos.1 and 2: MR.P.VINAYAKA SWAMY

The Court at the admission stage made the following Order:

Challenging the action of the respondents in transferring the petitioners from APSRTC, Mahabubnagar Bus Depot to Kalwakurthy and Narayanpet Bus Depots respectively through order dated 28.12.2004, the petitioners filed the present writ petition.

The facts of the case are not in dispute.

Learned counsel appearing for the petitioners contended that the transfer order is nothing but a punishment and it will cast stigma on the service conditions of the petitioners, and therefore, it is liable to be set aside.

Learned counsel appearing for the respondents contended that as the duties performed by the petitioners were not satisfactory, they have been transferred on the administrative grounds indicating that their cases to be reviewed basing on the performance of their duties periodically at the Depot to which they are now posted. Hence, there are no grounds to interfere with the impugned order.

A perusal of the impugned order would show that the petitioners have been transferred from APSRTC, Mahabubnagar Bus Depot to Kalwakurthy and Narayanpet Bus Depots respectively on administrative grounds. No doubt, it is mentioned in the order that the petitioners have caused serious disruption to bus services and also affected the revenue of the Corporation and therefore, they were transferred on administrative grounds. Since some observations have been made in the impugned order, which will cast stigma on the service conditions of the petitioners, this Court considers it necessary to expunge those observations which in the opinion of petitioners cast stigma. Therefore, the observations made in the impugned order that the petitioners have been absenting themselves from duties, which caused serious disruption to bus services and that their cases have to be reviewed basing on the performance of their duties periodically at the depot to which they were transferred are set aside and the remaining order is confirmed. However, it is made clear that any

observations made in the impugned order cannot have any stigma in the service conditions of the petitioners for considering to promotion or any other aspect. It is also made clear that if the duties performed by the petitioners are found not satisfactory, it is for the respondents to take appropriate decision in accordance with law after affording reasonable opportunity to the petitioners.

Accordingly the writ petition is disposed of. No costs.

08.02.2005

Note:Furnish copy in two days

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To

1. The Regional Manager, APSRTC, Mahabubnagar Region, at Mahabubnagar.
2. The Depot Manager, APSRTC, Mahabubnagar Bus Depot, Mahabubnagar District.
3. Two CD copies.